

REMARKS

Claims 1-8 are pending. By this Amendment, Figure 2 and Claims 1-8 are amended. The claims are amended merely for grammatical purposes, as well as to delete the reference numerals therefrom.

As such, Applicants respectfully submit that no new matter is presented herein.

Drawings

Figure 2 is objected to for an informality contained therein, in particular, because reference number 16 is not pointing to an opening, but instead is pointing to a block member. Enclosed herein is a Replacement Sheet of formal drawing Figure 2, which has been amended to correct the feature identified by the lead line of reference number 16. Applicants respectfully point out that Figures 3 and 5 illustrate reference number 16 and the corresponding lead line extending therefrom properly identifies the opening. Applicants respectfully request withdrawal of the objection.

Double Patenting

Claim 1 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 7,217,899 to Hidaka et al. (Hidaka). Applicants respectfully traverse the rejection as it is believed to be erroneous.

M.P.E.P. §804(II)(B)(1) clearly and plainly states that “[o]bviousness-type double patenting requires rejection of an application when the claimed subject matter is **not** **patentably distinct** from the subject matter claimed in a commonly owned patent, or a non-commonly owned patent but subject to a joint research agreement . . .”

Applicants note that Hidaka is owned or assigned to Kabushiki Kaisha Honda Lock **and** Honda Motor Co. The subject matter claimed in the instant application is owned or assigned only to Kabushiki Kaisha Honda Lock (see Reel 017364, Frame 0080). Since Hidaka has two (2) owners/assignees and the instant application only has one (1) owner/assignee, Applicants respectfully submit that Hidaka and the instant application are not commonly owned because the Hidaka patent and instant application are not entirely owned by the same organization or business entity. See M.P.E.P. §706.02(l)(2) for a definition of common ownership.

Therefore, Applicants respectfully point out that even if Applicants desired to submit a Terminal Disclaimer to obviate the rejection, Applicants could not properly file a Terminal Disclaimer to obviate the rejection, as is erroneously stated in the Office Action, because the Applicants of the instant application do not wholly or entirely own Hidaka and the subject matter recited by the claims of the instant application.

In view of the above, Applicants respectfully submit that Hidaka and the instant application are not commonly owned, which is one (1) of the requirements under which a nonstatutory obviousness-type double patenting rejection could be made.

Moreover, Applicants submit that Hidaka and the instant application are not subject to a joint research agreement, which is the second of the two (2) requirements under which a nonstatutory obviousness-type double patenting rejection could be made.

Accordingly, Applicants respectfully submit the nonstatutory obviousness-type double patenting rejection was made in error and should therefore be withdrawn.

Claim Rejections - 35 U.S.C. §103

A. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,075,294 to Van den Boom et al. (Van den Boom) in view of U.S. Patent No. 5,304,967 to Hayashi; and Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van den Boom in view of Hayashi as applied to Claims 4 and 5, and further in view of U.S. Patent No. 6,769,154 to Klein et al. (Klein). Applicants respectfully traverse both rejections for at least the following reason(s).

Van den Boom discloses a locking system for the doors of motor vehicles 10 wherein a door handle 13 includes a gripping part 27 that contains a plurality of capacitance sensors 30-34.

As clearly shown in Figures 3-4 of Van den Boom, the first electrode 30 is disposed within a shell 28 of the gripping part 27. The first electrode 30 is formed into two parts, with a compensating electrode 33 positioned between the two parts of the first electrode 30. See column 4, lines 33-39 of Van den Boom. The door 12 of the vehicle 10 serves as the second electrode 31. See column 4, lines 53-55 of Van den Boom. In other words, Van den Boom specifically teaches that the door of the vehicle on which the door handle 13 is mounted serves as the second electrode 31.

In operation, Van den Boom teaches that when a hand approaches the space between the gripping part 27 of the handle 13 having the first electrode 30 provided therein and the second electrode 31 (or door 12), the capacitance between the first and second electrodes 30 and 31, respectively, is changed by the dielectric of a human hand entering the area of the electrical field 32 formed between the two electrodes 30 and 31.

As such, Applicants respectfully submit that Van den Boom requires the first and second electrodes are not provided together so that a capacitance change can be detected by the presence of a human hand in a spaced defined between the two, separately-located, electrodes 30 and 31.

Applicants note that the paragraph bridging columns 4 and 5 of Van den Boom describes another embodiment, but wherein the second electrode is mounted in the outer shell 29 of the gripping part 27, which corresponds with the above-described teachings of Van den Boom in that the first and second electrodes are not provided within the same space, that is, in this case, within the inner shell 28 of the gripping part 27, because Van den Boom needs the electrodes to be separately-located so as to detect a capacitance changes in the area between the two electrodes.

To cure the admitted deficiency of Van den Boom, the Office Action looks to Hayashi, which teaches it is well known in the art to provide a circuit board with at least a pair of electrodes patterned on a surface of the circuit board.

The Office Action alleges it would have been obvious to provide the electrodes of Van den Boom on a circuit board, as taught by Hayashi, in order to organize all the circuit components into a single component. Applicants respectfully disagree with the asserted basis for combining Van den Boom and Hayashi.

Applicants note that Hayashi is totally silent as to the electrodes on the circuit board being able to detect a change in capacitance between the two electrodes in the presence of a human hand or other body part in an area located between the two electrodes.

One of ordinary skill in the art would not be motivated to combine the two teachings simply for compactness purposes as stated by the Office Action, especially if the modified Van den Boom system were not able to detect a change in capacitance between the two electrodes when a human hand is placed on the handle at a location corresponding to a space between the two electrodes, which is what would be required in order for the modified Van den Boom system to operate in its originally intended manner. Absent such a teaching in either Van den Boom and/or Hayashi, Applicants respectfully submit that one of ordinary skill in the art would not consider it obvious to combine the applied teachings since to do so would not arrive at the invention recited by Claim 1.

Klein is cited merely for teaching that it is known to provide a holder 15 that holds electrical components 16 within a handle main body. As such, Applicants respectfully submit that Klein does not cure or otherwise address the above described deficiencies in van den Boom and Hayashi.

Accordingly. Applicants respectfully submit that Claim 1 is not rendered obvious in view of Van den Boom, Hayashi, and Klein, either alone or in any combination thereof and should therefore be deemed allowable.

Claims 2-8 depend from Claim 1. it is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) Claim 1 is allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.

B. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,883,840 to Sueyoshi et al. (Sueyoshi) in view of Van den Boom and Hayashi; and Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sueyoshi in view of Van den Boom and Hayashi as applied to Claims 4 and 5, and further in view of Klein. Applicants respectfully traverse both rejections for at least the following reason(s).

Claim 1, Van den Boom, Hayashi and Klein are discussed above, the points discussed above being incorporated herein.

Applicants note that Sueyoshi teaches a change of capacitance between ground and the only electrode in the door handle occurs when a hand touches the inside of the handle main body 7. Put simply, the Sueyoshi system, like the Van den Boom, hayashi and Klein teachings, is not able to detect a change in capacitance between two electrodes when a human hand is placed on the handle at a location corresponding to a space between the two electrodes because Sueyoshi does not teach or suggest two electrodes having a space formed therebetween that would permit detection of the change of capacitance between the two electrodes when a hand is placed therebetween. Absent such a teaching in Sueyoshi, Applicants respectfully submit that one of ordinary skill in the art would not consider it obvious to combine the applied teachings since to do so would not arrive at the invention recited by Claim 1.

Accordingly. Applicants respectfully submit that Claim 1 is not rendered obvious in view of Sueyoshi, Van den Boom, Hayashi, and Klein, either alone or in any combination thereof and should therefore be deemed allowable.

Claims 2-8 depend from Claim 1. it is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) Claim 1 is allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejections, allowance of Claims 1-8, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107348-00543.**

Respectfully submitted,

Murat Ozgu
Registration No. 44,275

Customer No. 004372

AREN'T FOX LLP

1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339

Tel: (202) 857-6000; Fax: (202) 638-4810

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Enclosure: Replacement Fig. 2